

IN THE CIRCUIT COURT
FOR WASHINGTON COUNTY, MARYLAND

x
NANCY J. CLINE, Personal Representative of
THE ESTATE OF GLEN H. CLINE, JR.,
Deceased, and

for the Use of Terry Tunney,
Dorothy Miller, Brian Cline and Rick
Cline, children of said Deceased ~ And

JOSH H. CLINE, ~
Plaintiffs |

v. Case No.

JOHN JAMES CHRISTY | 21-C-02-013503

And |

AGAPE HARVESTER CHURCH, INC., |

Defendants

x
Deposition of THOMAS JOSEPH BOWERS

Hagerstown, Maryland

Friday, January 31, 2003

L.A.D. REPORTING COMPANY, INC.

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MR. BALLANTINE: We're going through them one at a time.

BY MR. BALLANTINE:

Q The first one is Mr. Manning's conclusion that at the time of impact Mr. Cline was in the travel portion of eastbound 70, do you agree with that conclusion?

A Yes.

Q Do you agree with the conclusion that he was stooped down?

A Either stooped or kneeling, yes.

Q Are there conclusions of his that you don't agree with?

A The only problem I have with this report here is a statement he makes about how far over the vehicle could have parked on the shoulder of the roadway, meaning the Cline vehicle.

Q He says it could have been, as I recall his report, another two to three feet closer to the guardrail?

A I believe the way he stated, he said that at the place of the accident the shoulder was

CONDUCTED ON FRIDAY JANUARY 31 2003

21

nine-and-a-half feet wide. The vehicle that
1 Mr. Cline was parked there, the F Ford 150 was six feet
2 seven inches wide. He stated that he could park that
3 vehicle over far enough on the shoulder that he would
4 have had three feet between the edge line and that
5 vehicle.

6
7 This is cutting inches really, really
tight. If that -- I agree with Mr. Manning's
8 measurements. I also took measurements out there and
9 verified his measurements. And the source that he
10 got the measurements of the width of the pickup truck is
11 a reliable source, I have no problem with that.

12 But there is a one-inch disparity there. The
13 shoulder is nine feet six inches wide, of course the
14 vehicle is six feet seven inches wide so that
15 actually gives him two feet 11 inches. Mr.
16 Manning says approximately three feet.

17 However, it is my opinion that would be
18 unreasonable for him to park that vehicle on the very
19 edge of the roadway because it is adjacent to the edge
20 of the shoulder is a guardrail which is the same --
21 which is located at the same spot so that
22

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DEPOSITION OF THOMAS JOSEPH BOWERS
CONDUCTED ON FRIDAY, JANUARY 31, 2003

22

vehicle would have to been touching the guardrail. Q

In order for it to be approximately three feet?

A Yes.

Q The state police photographs show the vehicle with the left tires on the white line dividing the right-hand eastbound lane from the shoulder, do you agree with that location?

A Yes.

Q I interrupted you and I'm sorry. If you would go back to telling me exactly what else you have reviewed or done in preparation for this case.

A I made several site investigations myself, where the accident site actually occurred. I conducted two accident site visits during the daytime and two at nighttime. No, actually three at nighttime, one actually drove through when I was someplace else while it was raining.

I thought I would just take a look at this while I'm here. The last time I visited the accident site was last night. And let me tell you why I did that. I looked outside and saw that it was lightly

DEPOSITION OF THOMAS JOSEPH BOWERS
CONDUCTED ON FRIDAY, JANUARY 31, 2003

23

snowing and the street was wet in front of my house so I wanted to go out there and view the accident site myself, take a drive through it and conduct certain tests at the accident site while actually the street was wet without being snow covered.

Of course I know this is a different time of year but last night the roadway was wet. I wanted to take a look at that scene while the roadway was wet.

Q What test did you conduct?

A I took a folding chair, regular standard small folding chair and put a shirt which is actually to me a little bit darker in composition than the shirt that Mr. Cline was wearing at the time of the accident.

Q That shirt you brought with you is not Mr. Cline's shirt?

A No, this is not Mr. Cline's shirt. This is actually one of my old shirts that I found. And I draped it across the folding chair on the shoulder of the road where the accident occurred, not in the travel lane, I actually put the shirt on the folding

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CONDUCTED ON FRIDAY, JANUARY 31, 2003

28

you're talking about causation or what.

BY MR. BALLANTINE:

Q Well, what typical opinions do you include
in your reports when you reconstruct an accident?

A It all depends on what I'm asked to look
for. In this case here I was asked to look
for causation factors.

What do you think caused the accident?

MR. FREEL: Same objection.

THE WITNESS: I came to the conclusion that
there were two primary causes to this accident. Most
accidents have more than one factor which contributed
to the occurrence of the accident. There's usually more
than one failure.

In this case there are two primary failures
that caused this accident. There were more failures but
two primary failures that caused this accident. BY MR.
BALLANTINE:

Q What are they?

A One is that Mr. Cline placed himself in the
path of travel of the Christy vehicle.

Q You believe that's a cause of the accident?

DEPOSITION OF THOMAS JOSEPH BOWERS
CONDUCTED ON FRIDAY, JANUARY 31, 2003

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A And failed to observe the approach of the
Christy vehicle.

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3

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Q All right.

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A I also believe that Mr. Christy failed to
observe Mr. Cline in his path of travel even though he
was observable.

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8

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Q You believe he was observable based on the
test you did last night?

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11

A No, not only because of that.

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Q What other reasons lead you to believe that
Mr. Cline should have been observed by Mr. Christy?

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A When I was reviewing this report here there
was a handwritten statement that was made by a witness,
he actually didn't observe the accident but he -- his
name is Mr. Herko, John Herko.

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He stated -- this is not verbatim but he
stated that he was eastbound on Interstate 70 and
noticed that there was a man having a problem with a
vehicle on the road. He went to the next interchange,
turned around and came back to help him.

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When he was in the opposite lane heading
westbound he also said in his statement that he seen

